

**IN THE UNITED STATES DISTRICT COURT
FOR THE STATE OF NEW MEXICO**

**STATE OF NEW MEXICO, *ex rel.*
State Engineer**

Plaintiff,

v.

RAMON ARAGON, *et al.*,

Defendants.

69cv07941 JEC-ACE

**RIO CHAMA STREAM SYSTEM
Section 7: Rito de Tierra Amarilla,
Rio Brazos, Rutheron/Plaza
Blanca, Cañones Creek, Village of
Chama**

**NEW MEXICO'S MOTION TO JOIN
ADDITIONAL PARTIES DEFENDANT**

COMES NOW plaintiff State of New Mexico, *ex rel.* State Engineer ("State") and respectfully requests the Court to join as additional parties defendant the persons or entities named below and order them to answer the State's Complaint in this action as required in any civil action in the United States District Court or suffer default judgment against them. In support of this motion, the State asserts:

1. The persons listed in Exhibit A attached hereto are diverting and using or may claim the right to divert and use surface or underground waters within the Rio Chama Basin. These waters belong to the public and are subject to appropriation in accordance with the laws of the state. This Court has exclusive jurisdiction of adjudicate all claims to the right to divert, store, or use public waters in the Rio Chama Basin.

2. The persons or entities listed in Exhibit A are in Section 7 of the Rio Chama Stream System, and may be diverting and using water associated with the subfile numbers listed, or may otherwise be using and diverting surface or underground waters within Section 7 of the Rio Chama

Stream System.

DATED: February 19, 2002

Respectfully submitted,

/s/ Ed Newville

EDWARD G. NEWVILLE
Special Assistant Attorney General
Office of the State Engineer
P.O. Box 25102
Santa Fe, NM 87504-5102
(505) 827-6150

CERTIFICATE OF SERVICE

I certify that a copy of New Mexico's Motion to Join Additional Parties Defendant was mailed to the following persons on February 19th, 2002.

/s/ Ed Newville

Edward G. Newville

**RIO CHAMA SECTION 7
DISTRIBUTION LIST**

Special Master Vickie L. Gabin
USDC-DCNM
P.O. Box 2384
Santa Fe, NM 87504-2384

Darcy S. Bushnell, Esq.
Adjudication Staff Attorney
USDC-DCNM
333 Lomas Blvd. NW
Albuquerque, NM 87102-2272

Karla McCall, Data Manager.
1315 Sagebrush Dr. SW
Los Lunas, NM 87031

Bradley S. Bridgewater, Esq.
David W. Gehlert, Esq.
USDOJ-ENRD
999 18th St., Suite 945
Denver, CO 80202

John W. Utton, Esq.
P.O. Box 271
Albuquerque, NM 87103-0271

Wilfred Gutierrez, Chair
NM Acequia Commission
P.O. Box 190
Velarde, NM 87582

Paula Garcia
NM Acequia Association
P.O. Box 1229
Santa Cruz, NM 87567

Benjamin Philips, Esq.
John F. McCarthy, Jr., Esq.
Rebecca Dempsey, Esq.
White, Kock, Kelly & McCarthy, P.A.
P.O. Box 787
Santa Fe, NM 87504-0787

Lester K. Taylor, Esq.
Nordhaus, Haltom, Taylor, Taradash & Bladh, LLP
500 Marquette, NW
Suite 1050
Albuquerque, NM 87102

Susan G. Jordan, Esq.
Nordhaus, Haltom, Taylor, Taradash & Bladh, LLP
200 West DeVargas
Suite 9
Santa Fe, NM 87501

EXHIBIT A

<u>DEFENDANT</u>	<u>SUBFILE NO.</u>	<u>ADDRESS</u>
Andrew Aragon	CHTA-003-0039B	11100 Central SE, ABQ NM 87123
Dora L. Aragon	CHTA-003-0039B	11100 Central SE, ABQ NM 87123
Viola M. Atencio	CHTA-003-0008	P.O. Box 113, Tierra Amarilla, NM 87575
Art Espinosa	none	HC 75 Box 126, Tierra Amarilla, NM 87575
Gail Garcia	CHTA-003-0027	HC 75 Box 126, Tierra Amarilla, NM 87575
Michael Garcia	CHTA-003-0027	HC 75 Box 126, Tierra Amarilla, NM 87575
Mitzi M. Howell	CHTA-004-0027A	P.O. Box 819, Ranchos de Taos, NM 87557
Tracy T. Howell	CHTA-004-0027A	P.O. Box 819, Ranchos de Taos, NM 87557
Travis G. Mosely	none	P.O. Box 76, Los Ojos, NM 87551
Joe E. Silva	CHTA-004-0027B	P.O. Box 1012, El Prado, NM 87529
Viki Silva	CHTA-004-0027B	P.O. Box 1012, El Prado, NM 87529
Frank C. Sena	CHTA-001-0001	9709 Rio Grande NW, ABQ, NM 87114
John M. Sena	CHTA-001-0001	9709 Rio Grande NW, ABQ, NM 87114